

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 1002

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WILSON.

Read 1st time February 24, 2010, and ordered printed.

Read 2nd time February 25, 2010, and referred to the Committee on Jobs, Economic Development and Local Government.

Reported from the Committee March 18, 2010, with recommendation that the bill do pass.

Taken up for Perfection March 23, 2010. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

4231S.02P

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## AN ACT

To amend chapter 184, RSMo, by adding thereto five new sections relating to the establishment of the Kansas City zoological district.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 184, RSMo, is amended by adding thereto five new  
2 sections, to be known as sections 184.500, 184.503, 184.506, 184.509, and 184.512,  
3 to read as follows:

184.500. As used in this section, unless the context clearly  
2 requires otherwise, the following terms mean:

3 (1) "Commission", the governing body of the Kansas City  
4 zoological district;

5 (2) "Eligible county or eligible counties", any county with a  
6 charter form of government and with more than six hundred thousand  
7 but fewer than seven hundred thousand inhabitants, any county of the  
8 first classification with more than one hundred eighty-four thousand  
9 but fewer than one hundred eighty-eight thousand inhabitants, any  
10 county of the first classification with more than seventy-three thousand  
11 seven hundred but fewer than seventy-three thousand eight hundred  
12 inhabitants, and any county of the first classification with more than  
13 eighty-two thousand but fewer than eighty-two thousand one hundred  
14 inhabitants;

15 (3) "District", a political subdivision of this state, to be known as  
16 "The Kansas City Zoological District", which shall be created under the

17 provisions of sections 184.500 to 184.512 and composed of eligible  
18 counties which act to create, or to become a part of, the district in  
19 accordance with the provisions of section 184.503;

20 (4) "Organizations", nonprofit and tax exempt social, civic, or  
21 community organizations and associations that are dedicated to the  
22 development, provision, operation, supervision, promotion, or support  
23 of zoological activities;

24 (5) "Zoological activities", the establishment and maintenance of  
25 zoological facilities and related buildings; acquisition and care of  
26 species for display and study in a zoological facility; educational and  
27 cultural programs relating to zoological matters; artistic, historical,  
28 intellectual, or social programs that relate to zoological matters; and  
29 such other collateral activities as may be necessary to maintain and  
30 carry out other activities provided under sections 184.500 to 184.512;

31 (6) "Zoological facilities", facilities operated or used for  
32 participation or engagement in zoological activities.

184.503. 1. Whenever the governing body of any eligible county  
2 shall adopt a resolution authorizing the creation of, or participation in,  
3 the district and the levy of a tax to provide, individually, or on a  
4 cooperative basis with another eligible county or other eligible  
5 counties, for financial support of the district, or whenever a petition,  
6 signed by not less than the number of qualified electors of an eligible  
7 county equal to five percent of the number of ballots cast and counted  
8 at the last preceding gubernatorial election held such county,  
9 requesting the creation of, or participation in, the district and the levy  
10 of a tax for the purpose of contributing to the financial support of the  
11 district, is filed with the governing body of the county, the governing  
12 body of such county shall request the county election officer to submit  
13 to the qualified electors of such county the question of whether the  
14 governing body shall be authorized to implement the resolution at the  
15 next general or primary election date or special election. Such election  
16 official shall give legal notice at least sixty days prior to such general  
17 or primary election or special election in at least two newspapers that  
18 such proposition or propositions shall be submitted at the next general  
19 or primary election or special election held for submission of this  
20 proposition. The resolution or proposition shall be printed on the  
21 ballot and in the notice of election.

22           2. The ballot for the proposition in any county shall be in  
23 substantially the following form:

24           "Shall a retail sales tax of ..... (insert amount, not to exceed  
25 one-quarter of one cent) be levied and collected for the benefit of the  
26 Kansas City Zoological district, which shall be created and consist of  
27 the county(s) of ..... (insert name of counties), for the support of  
28 zoological activities with the district?

29                                    YES                                    NO"

30 The governing body of the county may place additional language on the  
31 ballot to describe the use or allocation of the funds.

32           3. In the event that a majority of the voters voting on such  
33 proposition in such county at said election cast votes for the  
34 proposition, then the district shall be deemed established and the tax  
35 rate for such subdistrict shall be deemed in full force and effect as of  
36 the first day of the year following the year of said election and the  
37 governing body of such county may proceed with the performance of all  
38 things necessary and incidental to participation in the district. The  
39 results of the aforesaid election shall be certified by the election  
40 officials of such county to the governing body of such county not less  
41 than thirty days after the day of election. In the event the proposition  
42 shall fail to receive a majority of the votes "FOR", then such proposition  
43 shall not be resubmitted at any election held within one year of the  
44 date of the election the proposition was rejected. Any such  
45 resubmissions of such proposition shall substantially comply with the  
46 provisions of sections 184.500 to 184.515.

47           4. All sales taxes collected by the director of revenue from the  
48 tax authorized by this section on behalf of the district, less one percent  
49 for cost of collection, which shall be deposited in the state's general  
50 revenue fund after payment of premiums for surety bonds, as provided  
51 in section 32.087, shall be deposited with the state treasurer in a  
52 special trust fund, which is hereby created, to be known as the "Kansas  
53 City Zoological District Sales Tax Trust Fund". The moneys in the  
54 Kansas City zoological district sales tax trust fund shall not be deemed  
55 to be state funds and shall not be commingled with any funds of the  
56 state. The director of revenue shall keep accurate records of the  
57 amount of money collected and deposited in the trust fund and the

58 records shall be open to the inspection of officers of the district, the  
59 counties composing the district, and the public. Not later than the  
60 tenth day of each month the director of revenue shall distribute all  
61 moneys deposited in the Kansas City zoological district sales tax trust  
62 fund during the preceding month to the district.

63         5. The director of revenue may authorize the state treasurer to  
64 make refunds from the amounts in the Kansas City zoological district  
65 sales tax trust fund and credited to the district for erroneous payments  
66 and overpayments made, and may redeem dishonored checks and drafts  
67 deposited to the credit of the district. If the district abolishes the tax,  
68 the county shall notify the director of revenue of the action at least  
69 ninety days prior to the effective date of the repeal and the director of  
70 revenue may order retention in the Kansas City zoological district sales  
71 tax trust fund, for a period of one year, of two percent of the amount  
72 collected after receipt of such notice to cover possible refunds or  
73 overpayment of the tax and to redeem dishonored checks and drafts  
74 deposited to the credit of such account. After one year has elapsed  
75 after the effective date of abolition of the tax in the district, the  
76 director of revenue shall authorize the state treasurer to remit the  
77 balance in the account to the district and close the account of the  
78 district. The director of revenue shall notify the district of each  
79 instance of any amount refunded or any check redeemed from receipts  
80 due the district.

81         6. Any of the eligible counties composing the Kansas City  
82 zoological district may withdraw from the district by adoption of a  
83 resolution and approval of the resolution by a majority of the qualified  
84 electors of the county, in the same manner provided in this section for  
85 creating or becoming a part of the district. The governing body of a  
86 withdrawing county shall provide for the sending of formal written  
87 notice of withdrawal from the district to the governing body of the  
88 other county or each of the other counties comprising the  
89 district. Actual withdrawal shall not take effect until ninety days after  
90 notice has been sent. A withdrawing county shall not be relieved from  
91 any obligation that such county may have assumed or incurred by  
92 reason of being a part of the district, including, but not limited to, the  
93 retirement of any outstanding bonded indebtedness of the district.

184.506. 1. The district shall be governed by the commission,

2 which shall be a body corporate and politic and subdivision of the state  
3 and shall be composed of resident electors, as follows:

4 (1) One member of the governing body of each eligible county  
5 that is a part of the district, who shall be appointed by a majority vote  
6 of such county's governing body;

7 (2) One member of the Kansas City, Missouri Board of Parks and  
8 Recreation, who shall be appointed by a majority vote of such board;

9 (3) Five members of the executive committee of Friends of the  
10 Zoo, Inc., one of which shall be the executive director with the  
11 remaining three members appointed by a majority vote of the executive  
12 committee of Friends of the Zoo, Inc.

13 2. The term of each commissioner, initially appointed by a  
14 county governing body, shall expire concurrently with such  
15 commissioner's tenure as a county officer or three years after the date  
16 of appointment as a commissioner, whichever occurs first. The term of  
17 each succeeding commissioner shall expire concurrently with such  
18 successor commissioner's tenure as a county officer or four years after  
19 the date of appointment as a commissioner, whichever occurs first. The  
20 term of the commissioner initially appointed by the Kansas City,  
21 Missouri Board of Parks and Recreation shall expire concurrently with  
22 such commissioner's tenure as a member of the Kansas City, Missouri  
23 Board of Parks and Recreation, or one year after the date of  
24 appointment as a commissioner, whichever occurs first. The term of  
25 each commissioner succeeding a commissioner appointed by the Kansas  
26 City, Missouri Board of Parks and Recreation shall expire concurrently  
27 with such successor commissioner's tenure as a member of the Kansas  
28 City, Missouri Board of Parks and Recreation or four years after the  
29 date of appointment as a commissioner, whichever occurs first. The  
30 term of each commissioner initially appointed by the executive  
31 committee of Friend of the Zoo, Inc. shall expire concurrently with such  
32 successor commissioner's tenure as a member of the executive  
33 committee of Friends of the Zoo, Inc. or four years after the date of  
34 appointment as a commissioner, whichever occurs first. The term of  
35 each commissioner succeeding a commissioner appointed by the  
36 executive committee of Friends of the Zoo, Inc. shall expire  
37 concurrently with such successor commissioner's tenure as a member  
38 of the executive committee of Friends of the Zoo, Inc. or four years

39 after the date of appointment as a commissioner, whichever occurs  
40 first. The term of the executive director of Friends of the Zoo, Inc.  
41 shall not expire but will transfer automatically to the current executive  
42 director of Friends of the Zoo, Inc. or any interim executive  
43 director. Any vacancy occurring in a commissioner position for reasons  
44 other than expiration of terms of office shall be filled for the unexpired  
45 term by appointment in the same manner that the original appointment  
46 was made. Any commissioner may be removed for cause by the  
47 appointing authority of the commissioner.

48 3. The commission shall select annually, from its membership, a  
49 chairperson, a vice chairperson, and a treasurer. The treasurer shall  
50 be bonded in such amounts as the commission may require.

51 4. The commission may appoint such officers, agents, and  
52 employees as it may require for the performance of its duties, and shall  
53 determine the qualifications and duties and fix the compensation of  
54 such officers, agents, and employees.

55 5. The commission shall fix the time and place at which its  
56 meetings shall be held. Meetings shall be held within the district and  
57 shall be open to the public. Public notice shall be given of all meetings.

58 6. A majority of the commissioners shall constitute, in the  
59 aggregate, a quorum for the transaction of business. No action of the  
60 commission shall be binding unless taken at a meeting at which at least  
61 a quorum is present, and unless a majority of the commissioners  
62 present at such meeting, shall vote in favor thereof. In the event a  
63 quorum is present and there is a tie vote on a pending motion, the  
64 executive director of the Friends of the Zoo, Inc. shall have the power  
65 to break the tie by exercising an additional vote. No action of the  
66 commission taken at a meeting thereof shall be binding unless the  
67 subject of such action is included in a written agenda for such meeting,  
68 the agenda and notice of meeting having been mailed to each  
69 commissioner by postage-paid first class mail at least fourteen calendar  
70 days prior to the meeting.

71 7. The commissioners shall be subject to the provisions of the  
72 laws of this state, which relate to conflicts of interest, in any zoological  
73 activity supported by the district or commission or in any other  
74 business transaction of the district or commission. A commissioner  
75 shall disclose any conflict of interest in writing to the other

76 commissioners and shall abstain from voting on any matter relating to  
77 such facility, organization, or activity or such business transaction,  
78 except that the executive director of Friends of the Zoo, Inc. shall not  
79 be required to abstain from voting on matters relating to the Kansas  
80 City Zoo.

81 8. Commissioners shall enjoy official immunity under the  
82 common law for any action at law or equity, or other legal proceeding  
83 against any commissioner relating to any act or omission of the  
84 commissioner arising out of his or her performance of duties as a  
85 commissioner. If any action at law or equity, or other legal proceeding,  
86 shall be brought against any commissioner for any act or omission  
87 arising out of the performance of duties as a commissioner, the  
88 commissioner shall be indemnified in whole and held harmless by the  
89 commission for any judgment or decree entered against the  
90 commissioner and, further, shall be defended at the cost of expense of  
91 the commission in any such proceeding.

184.509. 1. The commission shall adopt a seal and suitable  
2 bylaws governing its management and procedure. The commission  
3 shall have the power to contract and to be contracted with, and to sue  
4 and to be sued. The commission may own and acquire, by gift,  
5 purchase, lease, or devise, zoological facilities within the territory of  
6 the district. The commission may plan, construct, operate, and  
7 maintain and contract for the operation and maintenance of zoological  
8 facilities within the territory of the district. The commission may sell,  
9 lease, donate, transfer, or otherwise dispose of zoological facilities  
10 within the territory of the district. The commission may receive for  
11 any of its purposes and functions any contributions or moneys  
12 appropriated by counties or cities and may solicit and receive any and  
13 all donations, and grants of money, equipment, supplies, materials, and  
14 services from any state or the United States or any agency thereof, or  
15 from any institution, foundation, organization, person, firm, or  
16 corporation, and may utilize and dispose of the same.

17 2. At any time following five years from the date of creation of  
18 the Kansas City Zoological District, the commission may borrow moneys  
19 for the planning, construction, equipping, operation, maintenance,  
20 repair, extension, expansion, or improvement of any zoological facility  
21 by:

22           (1) Issuing notes, bonds or other instruments in writing of the  
23 commission in evidence of the sum or sums to be borrowed. No notes,  
24 bonds or other instruments in writing shall be issued pursuant to this  
25 subsection until the issuance of such notes, bonds or instruments has  
26 been submitted to and approved by a majority of the qualified electors  
27 of the district voting at an election called and held thereon. Such  
28 election shall be called and held in the manner provided by law;

29           (2) Issuing refunding notes, bonds or other instruments in  
30 writing for the purpose of refunding, extending or unifying the whole  
31 or any part of its outstanding indebtedness from time to time, whether  
32 evidenced by notes, bonds or other instruments in writing. Such  
33 refunding notes, bonds or other instruments in writing shall not exceed  
34 in amount the principal of the outstanding indebtedness to be refunded  
35 and the accrued interest thereon to the date of such refunding;

36           (3) Providing that all notes, bonds and other instruments in  
37 writing issued hereunder shall or may be payable, both as to principal  
38 and interest, from sales tax revenues authorized under this compact  
39 and disbursed to the district by counties comprising the district,  
40 admissions and other revenues collected from the use of any zoological  
41 facility or facilities constructed hereunder, or from any other resources  
42 of the commission, and further may be secured by a mortgage or deed  
43 of trust upon any property interest of the commission; and

44           (4) Prescribing the details of all notes, bonds or other  
45 instruments in writing, and of the issuance and sale thereof. The  
46 commission shall have the power to enter into covenants with the  
47 holders of such notes, bonds or other instruments in writing, not  
48 inconsistent with the powers granted herein, without further legislative  
49 authority.

50           3. Upon receipt of recommendations from the Friends of the Zoo,  
51 Inc., the commission may provide donations, contributions, and grants  
52 or other support, financial or otherwise for, or in aid of, zoological  
53 activities in counties that are part of the district. In determining  
54 whether to provide any such support the commission shall consider the  
55 following factors:

56           (1) The commission's primary purpose is to support the  
57 maintenance and operation of the Kansas City Zoo through donations,  
58 contributions, grants, and other financial support;

- 59           **(2) The economic impact upon the district;**  
60           **(3) The benefit to citizens of the district and to the general**  
61 **public;**  
62           **(4) The contribution to the quality of life and popular image of**  
63 **the district;**  
64           **(5) The breadth of popular appeal within and outside the**  
65 **district; and**  
66           **(6) Any other factor deemed appropriate by the commission.**

67           **4. The commission may provide for actual and necessary**  
68 **expenses of commissioners and members of Friends of the Zoo, Inc.**  
69 **incurred in the performance of their official duties.**

70           **5. The commission shall cause to be prepared annually a report**  
71 **on the operations and transactions conducted by the commission**  
72 **during the preceding year. The report shall be submitted to the**  
73 **governing bodies of the counties comprising the district, to the**  
74 **governing body of each city that appoints a commissioner, to the**  
75 **Kansas City, Missouri Board of Parks and Recreation, and to the**  
76 **executive board of Friends of the Zoo, Inc. The commission shall**  
77 **publish the annual report in the official county newspaper of each of**  
78 **the counties comprising the district.**

79           **6. The commission has the power to perform all other necessary**  
80 **and incidental functions and duties and to exercise all other necessary**  
81 **and appropriate powers not inconsistent with the constitution or laws**  
82 **of this state to effectuate the same.**

83           **7. Nothing in this section shall be construed as granting the**  
84 **commission authority or power to manage the Kansas City Zoo or to**  
85 **retain title to, or control over, the lands occupied by the Kansas City**  
86 **Zoo.**

**184.512. 1. The moneys necessary to finance administrative**  
2 **operations of the Kansas City zoological district for the first six months**  
3 **after its creation shall be appropriated to the commission by the**  
4 **counties comprising the district. Thereafter, the moneys necessary to**  
5 **finance the operation of the Kansas City zoological district shall be**  
6 **taken from the Kansas City zoological district sales tax fund,**  
7 **established under the provisions of section 184.503.**

8           **2. The commission shall not incur any indebtedness or obligation**  
9 **of any kind, nor shall the commission pledge the credit of either or any**

10 of the counties comprising the district, except as authorized in section  
11 184.509. The budget of the district shall be prepared, adopted, and  
12 published as provided by law for other political subdivisions of this  
13 state.

14 3. This commission shall keep accurate accounts of all receipts  
15 and disbursements. The receipts and disbursements of the commission  
16 shall be audited yearly by a certified or licensed public accountant and  
17 the report of the audit shall be included in and become a part of the  
18 annual report of the commission.

19 4. The accounts of the commission shall be open at any  
20 reasonable time for inspection by duly authorized representatives of  
21 the counties comprising the district, the cities that appoint a  
22 commissioner, the executive committee of Friends of the Zoo, Inc., and  
23 other persons authorized by the commission.

✓

Bill

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